

CHAPTER 24 - Freeway Agreements

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CHAPTER 24 - Freeway Agreements

ARTICLE 1 - General

Freeway Agreement

The Freeway Agreement documents the understanding between Caltrans and the local agency relating to the planned traffic circulation features of the proposed facility. It does not bind the State to construct on a particular schedule or staging. In the event that the freeway is fully constructed, it shows which streets may be closed or connected to the freeway; it shows which streets and roads may be separated from the freeway; it shows the location of frontage roads; and it shows how streets may be relocated, extended or otherwise modified to maintain traffic circulation in relation to the freeway. Locations of railroad and pedestrian structures, as well as those for other non-motorized facilities, should also be shown. Agreements are often executed many years before construction is anticipated and they form the basis for future planning, not only by Caltrans but by public and private interests in the community.

Freeway / Controlled Access Highway

The following discussions directed toward the term "Freeway Agreement" also apply to "Controlled Access Highway Agreements." See Chapter 23, Article 3, for specific discussion on "controlled access highways".

California statutes define "freeway", "controlled access highway" and "expressway". The terms "freeway" and "controlled access highway" are defined in Streets and Highways (S&H) Code Section 23.5. A "controlled access highway" is defined for the purpose of processing expressway route adoptions, for denominating freeways as controlled access highways at sensitive locations, and for processing CTC approval of new public road connections to expressways.

The term "expressway" is used in the *Highway Design Manual* (HDM) for highway design purposes and is defined in S&H Code Section 257 for use in the California Freeway and Expressway System (see Chapter 27). On expressways, the term "controlled access highway" is substituted for "freeway" in agreements with local agencies. Any reference to an "expressway" in this manual or any other manual has the definition of a "controlled access highway" attached to it.

S&H Code — Section 100.2

Section 100.2 of the S&H Code states that no city street or county highway shall be closed by the construction of a freeway without an agreement between the State and the local jurisdiction authorizing such a closure. It also states that no local road shall be

connected to a freeway without consent of the CTC. See Chapter 27 for a discussion of Section 100.2 pertaining to new connection procedures.

Access Control

The California Freeway and Expressway System has a large financial investment in access control to insure safety and operational integrity of the highways. The legislative intent for requiring Freeway Agreements is to obtain the local agency's support of local road closures and changes to the local circulation system and to protect property rights and to assure adequate service to the community. Access control is necessary on the freeway or expressway so that current and future traffic safety and operations are not compromised.

The rights of access of property owners must be acquired in a manner provided by law, which requires that other reasonable provisions be provided for access to local roads.

The proposed access control facility being covered by the Freeway Agreement should be examined for conformance to the Access Control Policy in the HDM, Topic 104 and Index 205.1. The Advisory Design Standards for interchanges and spacing in HDM, Topic 501, should also be examined for conformance by the facility.

Processed for all Freeway Projects

As long as no streets are closed, a strict interpretation of the statute would make it theoretically possible to build a freeway without a Freeway Agreement. Caltrans, however, follows a practice that no freeway will be built without agreement of the local government except as otherwise provided for in Statute. Agreements are therefore processed for all freeways and for all freeway projects that require a change to a previous agreement. Except for temporary closings during construction, no city street or county highway may be closed by the freeway without such an agreement.

Conditions for Freeway Separation Structures or Interchanges

Freeway separation structures or interchanges with unconstructed public roads are included in project plans only when one or more of the following conditions is met:

- Construction of a usable length of the local road has been budgeted by the local agency.
- A written commitment has been secured from the board of supervisors or city council, to the effect that a usable length of local road will be constructed or will be under construction at the time freeway construction is undertaken.
- This facility is required to provide access to adjacent property and analysis shows that the separation structure or interchange is more economical than other means of providing access during the interim period prior to the time the local road is to be constructed.

Maintenance Agreements

Freeway Agreements are used as the basis for establishment of Maintenance Agreements with local agencies, but are not used as Maintenance Agreements. Instructions on Maintenance Agreements are issued by the Maintenance Program.

Relinquishment of Local Roads

The standard Freeway Agreement provides for the relinquishment of local roads constructed as part of the freeway project and is often the basis for the relinquishment action by the CTC, which is the responsibility of Right of Way Engineering. Instructions on relinquishments are issued by the Right of Way Program. See Chapter 25 for further information on relinquishments.

Agreement: Before R/W Purchase or Start of Construction

In addition to its importance for planning purposes, a current agreement is needed for regular acquisition of right of way. Section 100.21 of the S&H Code prohibits right of way acquisition prior to execution of Freeway Agreements — except for hardship and protection. A city council may, by resolution, authorize the purchase of rights of way prior to approval of an agreement if the purchase is limited to the mainline corridor of the proposed freeway and the alignment of the freeway is not at issue. This prohibition of right of way acquisition applies to major changes unless incorporated in an agreement. Caltrans practice requires all proposed freeway (controlled access highway) projects to be properly covered by an accurate agreement prior to the start of a construction project.

Need Current Agreements

Because of its wide use, the freeway or controlled access highway agreement is an extremely important document. Care must be exercised in its preparation to insure accuracy. For the same reasons, this agreement should be kept current. It is recognized that during the design and construction phases of a project, it is sometimes necessary to make revisions that are not in conformance with the current agreement. It is also recognized that the revisions vary greatly in magnitude and importance. Therefore, several methods of revising these agreements have been devised. These methods are discussed in Article 5.

S&H Code — Applicable Sections

For the convenience of the reader, the applicable sections of the S&H Code are reproduced here.

"Freeway" (and "controlled access highway")

23.5. "Freeway" means a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access. If, in the judgment of the commission or the director, the public interest

would be advanced thereby, a freeway, as defined herein may be denominated a "controlled access highway". In all other respects said "controlled access highway" shall be subject to all provisions of this code pertaining to freeways.

Authority of Department

100.1. The department is authorized to do any and all things necessary to lay out, acquire, and construct any section or portion of a State highway as a freeway or to make any existing State highway a freeway.

Agreement to Close Street, etc.; Consent to Opening, etc.

100.2. The Department is authorized to enter into an agreement with the city council or board of supervisors having jurisdiction over the street or highway and, as may be provided in such agreement, to close any city street or county highway at or near the point of its interception with any freeway or to make provision for carrying such city street or county highway over or under or to a connection with the freeway and may do any and all work on such city street or county highway as is necessary therefor. No city street or county highway shall be closed, either directly or indirectly, by the construction of a freeway except pursuant to such an agreement or while temporarily necessary during construction operations. No city street, county road, or other public highway of any kind shall be opened into or connected with any freeway unless and until the commission adopts a resolution consenting to the same and fixing the terms and conditions on which such connection shall be made and the said commission may give or withhold its consent or fix such terms and conditions as in its opinion will best subserve the public interest.

Acquisition of Right of Way Prior to Freeway Agreement

100.21. (a) Whenever a street or highway closing agreement is required by Section 100.2, the Department shall not acquire, except by gift, and except in hardship or protective cases as determined by the Department or the Commission, any real property for a freeway through a city until such an agreement is first executed with the city council, or for a freeway through unincorporated territory in a county until such an agreement is first executed with the board of supervisors. The Department shall give notice to the city council or the board of supervisors, as the case may be, of any acquisition of such real property prior to the execution of such an agreement.

(b) Notwithstanding subdivision (a), a city council may, by resolution, authorize the purchase of rights of way prior to approval of an agreement if the purchase is limited to the main line corridor of the proposed freeway and the alignment of the freeway is not at issue.

Local Agency Public Hearing

100.22. The city council or board of supervisors shall, prior to entering into the agreement contemplated by Section 100.2, conduct a public hearing on the subject.

Agreement May Include Improvement or Extension of City Streets or County Roads

100.25. In addition to the other matters that may be covered by the agreements authorized under Section 100.2, provisions for improvements, revisions or extensions of city streets or county highways leading to or from a freeway, deemed by the department to be necessary in accommodating the freeway traffic in making proper connections between the existing system of city streets or county roads and the freeway, may be included in such agreements and the department may perform such work as a part of the freeway construction.

Resolution (CTC resolution gives immediate freeway status)

100.3. From and after the adoption of a resolution by the commission declaring any section of State Highway to be a freeway, the highway described in such resolution shall have the status of a freeway for all purposes of Section 100.2. Such declaration shall not affect private property rights of access, and any such rights taken or damaged within the meaning of Section 19 of Article I of the California Constitution for such freeway shall be acquired in a manner provided by law. No State Highway shall be converted into a freeway except with the consent of the owners of abutting lands or the purchase or condemnation of their right of access thereto.

ARTICLE 2 - Processing Procedures and Sequence of Events

Agreement Execution Schedule

Freeway Agreements are executed following project approval for a new freeway location or conversion of an existing conventional highway to freeway. Superseding agreements are required for a major change, a new public road connection, a minor change, or an accumulation of minor changes.

Once a determination has been made that a new or superseding agreement is required, a defined review and approval process is followed. The numbered sequence of events for this process is shown on the flow-diagram in Figure 1 and the corresponding numbered event descriptions are listed below. In addition, refer to Chapter 11, "Public Hearings", and to Chapter 27, "New Public Road Connections To Freeways" for requirements concerning new connections to the freeway.

(1) Coordinate Draft Freeway Agreement with Local Agency - The rough draft Freeway Agreement is prepared. For details on preparation of Freeway Agreements and exhibit maps see Articles 3 and 4 and Appendix CC. Initial contact is made with the local agency at this point to get input to the rough draft.

(2) Transmit Draft to Design and Local Program (DLP) - The rough draft Freeway Agreement is transmitted to DLP, Attention: Freeway Agreement, for review and approval (2 copies). The transmittal memo should state the purpose of the Freeway Agreement; that is,

"It depicts a new plan of development", or "It revises a portion of the executed Agreement, and the changes are _____", or "It is a cleanup agreement after construction and incorporates the following changes _____", etc.

Unusual items must be identified and fully justified, such as minor engineering deviations from the adopted route, work outside of normal limits on local roads, or exceptions to policy, etc.

It is desirable to submit the draft freeway agreement with the PR.

Declaration as Controlled Access Highway - If a Controlled Access Highway Agreement is desired on a route that was initially adopted as a freeway, the draft could be submitted at this time with a request to the DLP Program Manager, Attention: Denomination, for a Controlled Access Highway designation (denomination of the freeway as a "controlled access highway"). The DLP Program Manager has the delegated authority to denominate the controlled access highway. The transmittal memo should justify and detail the reasons for the request.

(3) DLP Technical and Legal Review - Upon receipt in DLP, the rough draft is reviewed for conformance to the adopted route and verified for correct reference to existing agreements. If different from the standard agreement form, the draft is sent to the Legal Division for review and a legal ruling.

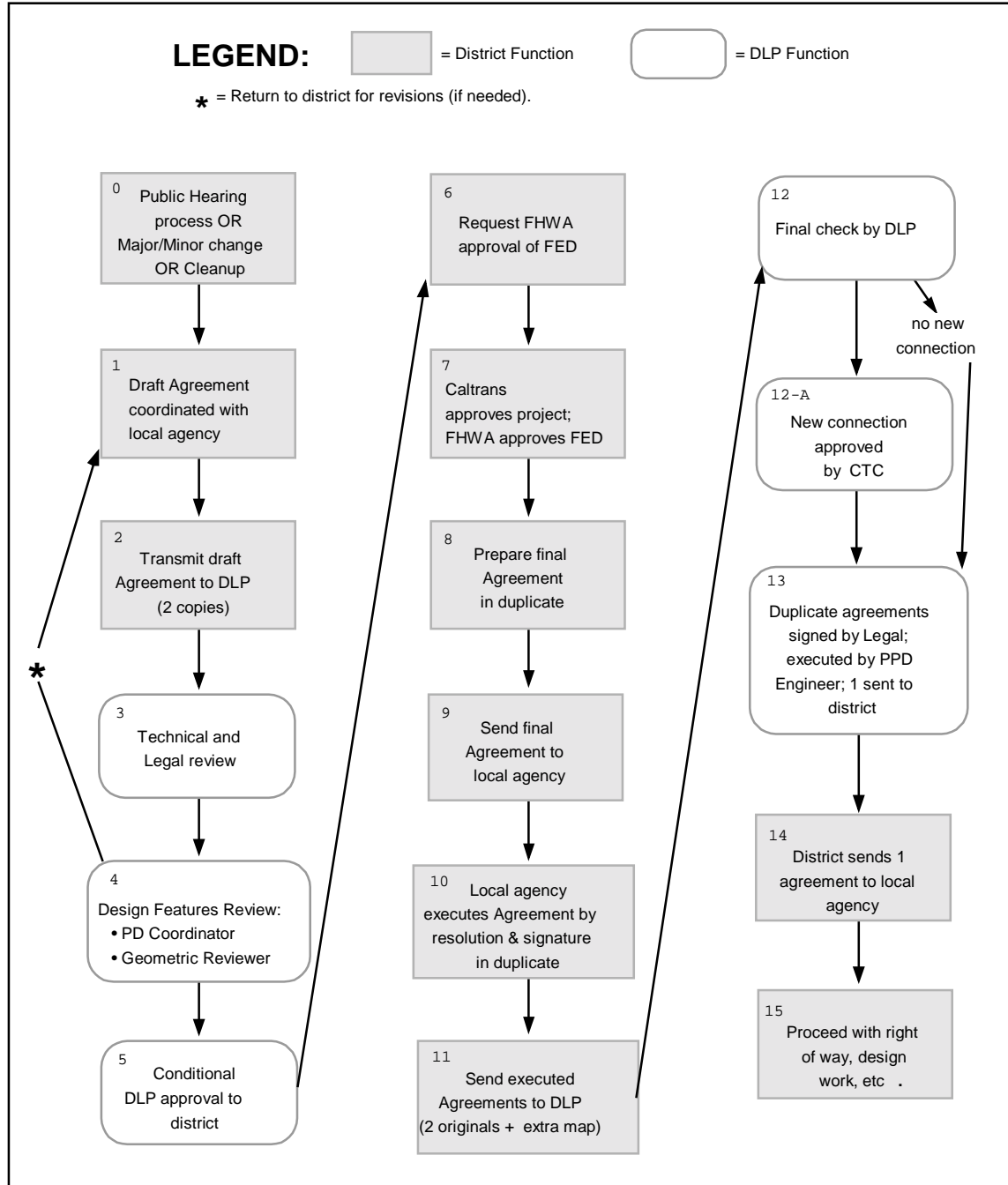
Unapproved Clauses - Any special clauses that differ from the standard clauses in Freeway Agreements must be ruled upon by the Legal Division for conformance to established legal practice.

Special clauses should be held to an absolute minimum, as the presently approved standard clauses serve the intended purpose of freeway agreements. If special clauses are recommended by the district, the recommendation is to be supported by an explanation of why the special clause will serve Caltrans' needs better than the standard language.

Conformance to Adopted Route - All deviations from the adopted route must be cleared by DLP. To avoid any possible delay, the district must submit adequate justification to the PD Coordinator for any line shift due to engineering reasons if readoption is not required. The PD Coordinator has the delegated authority to concur in any line shift; however, a line shift from the adopted alignment is allowed for engineering reasons only, not for political or other reasons.

(4) Design Features Review - A review is conducted by the PD Coordinator and Geometric Reviewer: This review of the entire plan of transportation development assures plan conformance to Statewide practices, previous approvals, acceptable geometrics, and applicable provisions of the project development process.

FIGURE 1 - Sequence of Events for Freeway Agreements and Controlled Access Highway Agreements



Revision - On rare occasions, items requiring revision prior to further processing are returned to the District.

(5) Conditional DLP Approval to District - Usually, the rough draft will be approved, subject to the condition that some minor items be corrected prior to submitting the Freeway Agreement to the local agency for signature and conditioned on project approval. The district is informed by an DLP approval memo that the rough draft is approved, subject to conditions, if any.

(6) Request FHWA Approval - On projects requiring FHWA concurrence, the district submits the Final Environmental Document (FED) to the FHWA for approval and approval of location and design features. If the project is Categorical Excluded under NEPA, FHWA concurrence is obtained under minor change procedures outlined in Article 5 "Resolutions of Change". On proposed new public road connections to, or modifications to existing interchanges on, Interstate freeways, FHWA must grant early conceptual approval prior to PSR approval. See Chapter 27 for details.

(7) Caltrans Approves Project; FHWA Approves FED - A project is approved by Caltrans when the PR and FED are approved and the Notice of Determination (NOD) is filed with the State Office of Planning and Research (OPR). Intermediate approvals of the DPR (with the attached Draft Environmental Document) do not constitute project approval; the filing of the NOD with OPR signals "project approval" under CEQA. On projects Categorical Exempt under the provisions of CEQA, Caltrans' approval of the PR signifies approval of the project.

If there has been adequate prior consultation, the FHWA generally approves the FED as submitted. However, there will be times when the FHWA requests additional data. The FHWA gives location and design feature approval when a FONSI (Finding of No Significant Impact) is issued or when the Record of Decision (ROD) is published after approval of the FEIS.

Two copies of the request letter to the FHWA and the related approvals and correspondence must be forwarded to DLP, Attention: FHWA Approval for information and files.

(8) Prepare Final Freeway Agreement - Prepare the final Freeway Agreement: Since formal submittal of the Freeway Agreement to the local agency generally commits the State to a specific plan of development, the submittal must not be made prior to receiving approval from DLP. The district prepares the final Freeway Agreement in duplicate, incorporating the changes requested by the DLP approval.

(9) Send Agreement to Local Agency - The local agency always executes the Agreement before Caltrans. A transmittal letter should accompany the Agreement that is sent to the local agency for execution. The letter should alert the local agency to the public hearing provisions in Section 100.22 of the S&H Code for all original Freeway Agreements. It is not necessary to notify the local agency of this provision with superseding agreements; however, it is suggested that they be encouraged to include a statement in their resolution authorizing an official to sign the Freeway Agreement and that the provisions of Section 100.22 have been complied with. Since the exposure to an

action to enforce the law lies with the local agency, it is stressed that each local agency make its own determination of what adequately meets the requirements of Section 100.22.

If the Freeway Agreement covers an area where CTC approval of a new connection will be necessary, the transmittal letter should inform the local agency that the State's execution of the Freeway Agreement must follow CTC approval of the new connection.

Avoid Changes by Local Agency - In an effort to obtain assurance that Caltrans will conform to local objectives, or to incorporate certain features into a project, local agencies sometimes include inappropriate items in their resolution of execution, or the text of the Freeway Agreement, or as attachments thereto. However, the purpose of a Freeway Agreement, as stated in the Statutes, is to provide an agreement as to which local streets and roads will be closed, carried over or under the freeway, or to a connection therewith. The freeway agreement is not intended to be used as a vehicle to consummate agreement on other matters.

Letter to Local Agency Used to Get Understanding - The Freeway Agreement transmittal letter is an effective device for establishing a clear understanding of commitments. In this letter, specific items previously discussed with the agency can be mentioned, along with the agreed-upon disposition. General items of standard procedures can be itemized, such as plans for aesthetics, traffic control devices, etc. Districts should make every effort to have a letter such as this accepted as a document of understanding. If the local agency is reluctant to accept the letter without a signature from a higher level of Caltrans management, such a signature can be provided upon application to the Caltrans Director's Office. To encourage mutual trust and understanding with the local agency, a letter signed by the District Director or a staff representative is preferable.

"Project" or "Performance" Agreements - If more than a letter is demanded to establish a clear understanding of commitments, a "Project" or "Performance" Agreement may be prepared that formalizes the necessary details. Use of these types of agreements is discouraged. One should be used only as a last resort to enable finalizing a Freeway Agreement.

The "Project" or "Performance" Agreement should provide signature blocks for approval and execution that are similar to those used for Freeway Agreements except that the District Director executes rather than the DLP Program Manager. Draft approval by DLP is required, however. This document should be written without binding references to other agreements to allow subsequent modification to the Freeway Agreement, or the "Project" or "Performance" Agreement without requiring modification to the other.

Only Make Deliverable Commitments - In all the above actions, care should always be exercised to make no statements or commitments that Caltrans can not deliver. For example, local agencies often attempt to specify the year that landscaping will take place. An agreement to this would commit a future CTC to a specific expenditure. The CTC is unable to act on this type of prior commitment, as each project must stand a test of priorities at the appropriate time.

Another common request from a local agency is that landscaping plans or other specific details be submitted to the local agency for approval. Caltrans authority to approve plans should never be compromised; the proper response might be that Caltrans will be happy to work with the agency to devise mutually acceptable plans.

(10) Local Agency Executes Agreement - The local agency executes in duplicate the Freeway Agreement and returns these along with copies of the minute order or resolution authorizing its officer to sign the Freeway Agreement. If the local agency executes the agreement with no change from the DLP approval, the official date of execution is the day the city council or county board of supervisors acts on the resolution or the minute order.

State Not Obligated to Agree - The State is not obligated to execute a Freeway Agreement if the local agency has revised the conditions under which the agreement was presented to the agency.

(11) Transmit Executed Agreement to DLP - After execution in duplicate by the local agency, the complete agreements (plus one additional print of the exhibit map) and the authorizing documents must be sent to DLP, Attention: Freeway Agreement, by memorandum.

The transmittal memo must (1) specifically state that the Freeway Agreement conforms to the approved rough draft or (2) it must detail any changes made and the reasons therefor. If changes were requested in the rough draft approval, the transmittal memo must state that these changes were made or explain why they were not. These statements eliminate the need for further comprehensive review by DLP.

DLP will return one executed copy of the Freeway Agreement to the district for transmittal to the local agency. It is not necessary to request DLP to return the executed agreement under normal conditions.

(12) Final Check by DLP - Assuming that the statements required by Step 11 have been made, a general review is made by DLP.

(12-A) New Connection Approval by CTC - If there is a new connection on the Freeway Agreement, DLP sends the new connection to the CTC for approval. The Freeway Agreement is executed by the State after CTC approval. Refer to Chapter 27, "New Public Road Connections to Freeways".

(13) DLP Executes Agreement; Sends to District - The Freeway Agreement is forwarded to the Legal Division for signature, which is the acceptance as to legal form. Then the agreement is signed by the DLP Program Manager as the Project Planning and Design Engineer. This constitutes execution by the State.

DLP sends one executed document to the district. The other executed document is sent to the Administrative Service Center, Forms and Records, for filing as the official State agreement. The additional print of the exhibit map is retained in DLP.

(14) District Sends Copy to Local Agency - When received in the district, a copy of the fully executed document should be made for the district file. The original should be sent to the local agency.

(15) Proceed with Project Development - Proceed with design, right-of-way acquisition, etc., as appropriate. The district is responsible for ensuring that the Freeway Agreement conforms to "as-built" construction plans. In the case of a cleanup agreement after construction, there is no further action.

CEQA/NEPA Coordination

Freeway Agreements are required by State statute and not by federal law or regulations. While it is normal practice to have FHWA environmental and design approvals prior to submitting a Freeway Agreement to a local agency for execution, it is permissible to advance the submittal to coincide with completion of the CEQA environmental document in those cases where the local agency procedural and review process is lengthy. The State withholds execution until the FHWA concurs with the environmental document and design. The transmittal letter to the local agency should note this condition.

ARTICLE 3 - Freeway Agreement Format

Types of Freeway Agreements

Original Freeway Agreement

The term "original Freeway Agreement" covers a freeway on new alignment or a conversion of a conventional highway to a freeway. For a sample format and guidelines, see Appendix CC.

Superseding Freeway Agreement

A superseding Freeway Agreement is required when there is a need to change the text of the current executed agreement, to change the exhibit map, or to change the agreement limits. It can supersede the executed agreement in part, or in its entirety. For a sample format and guidelines, see Appendix CC.

When superseding an agreement in an area that has been annexed or incorporated into a city, the basic superseding Freeway Agreement format is used. It is only necessary to make the appropriate references to the executed agreement with the county, since the obligations of the county are automatically assumed by the city.

Local Agency Work to be Shown on Agreement

Joint Participation

The freeway project may involve work that is to be financed by the local agency. Such work should be shown on the Freeway Agreement exhibit map. The financial obligation is shown on the exhibit map by symbol or by adding a note. Symbols indicating financial obligation are not used for freeway lanes or interchange connections. These are shown with the solid filled-in freeway symbol.

In the instance where the cost of ramps or freeway lanes is to be paid for by others, a note indicating the financial obligation should be placed on the exhibit map. Financial obligation for frontage roads and other roads that is to be paid for by others is shown on the exhibit map by standard symbol or a note.

Agreement Text Not Used for Financial Participation

The financial obligation is included in the Agreement text only when the participation is based on a theoretical concept or if for some other reason it cannot be satisfactorily shown on the exhibit map. The sample clauses for joint participation are modifications of the standard construction and right of way clauses. They may be appropriate for new connections, new crossings, pedestrian separations, and other special cooperative work.

The Freeway Agreement does not include details of financial participation. The obligations are described in general terms such as "jointly financed" or "the cost of right of way and/or construction shall be borne by the local agency". The details are included in a subsequent Cooperative Agreement.

Need Certified Copies of Resolution

Resolution Authorizing Signature

A Freeway Agreement executed by a local agency must be accompanied by a certified copy of a resolution, minute order, or other decree, adopted by the governing body, that approves the Agreement and delegates authority for execution of the Agreement by agency officials. The Agreement must be executed by the party authorized to do so.

Special Clauses (Not Mandatory)

Each district's particular circumstances may require the use of special clauses. These "special" clauses are acceptable; however, their use is discouraged since they are not required for a Freeway Agreement. See Appendix CC, under "Example Clauses for Other Clauses (Not Mandatory)".

ARTICLE 4 - Freeway Agreement Exhibit Maps

Content of Exhibit Map

Every Freeway Agreement includes an exhibit map that displays the ultimate freeway plan, including all locations where work is proposed on local streets. The mapping should extend far enough on both sides of the freeway to show the traffic circulation on the local road system within the freeway corridor. Within this area all publicly used roads and alleys must be shown; conversely, private roads are not shown. On rare occasions there may be a need to show a private road, but the road must be specifically identified as private on the exhibit map.

For the purpose of Freeway Agreements, a public road or alley is defined as one which is traversable and has a public right of way of record. This includes prescriptive rights of way. This sometimes means that in a rural area a dirt trail may have public road status. A field check of roads and alleys may be required as part of the map preparation. A detailed right of way check must also be made to determine which roads and alleys have a public right of way of record. However, a "paper" county road or city street which exists only on paper as part of an approved subdivision map or as part of a master plan is, for the purposes of S & H Code Section 100.2, considered to be nonexistent. These streets or roads are not shown on the Agreement, nor are they considered for CTC approval of a new public road connection.

Types of Exhibit Maps

The "symbol" and the "geometric" are the two types of exhibit map in general use. The symbol map uses symbols to depict interchanges, grade separations, railroad separations, and pedestrian separations. The geometric map displays all geometric features of these items. Do not combine the two types of maps in the same Agreement. All other features are displayed graphically on both types of maps.

Symbol Map Preferred

The symbol map is recommended for use whenever possible. To effectively use a symbol map, an understanding must be reached with the local agency that they will be furnished with up-to-date copies of the project's geometric work plans. Geometric changes can then be made without revising the Freeway Agreement, and the discussion with the local agency can generally be at the staff level.

The geometric map is preferred by those political bodies that feel they must approve actual designs. However, designs are constantly changing and since the executed map is a part of the Freeway Agreement, there is always the possibility that a court would conclude that failure to construct in accordance with the map would be a violation of the Agreement. Such a scenario requires that the Freeway Agreement be updated each time the geometric map changes, especially if there is a major change in the geometrics. The

use of a symbol map can minimize this type of situation by requiring the viewer to look at the current geometric plans furnished to the local agency staff.

Map Guidelines

General

- The description (title) on the exhibit map should conform to that used in the text of the agreement.
- To avoid confusion, only show symbols that are actually being used. Inclusion of other standard symbols tends to create some doubt as to whether or not a feature may have been omitted.
- Excessively long maps should be divided into two or more sheets.
- At a freeway-to-freeway interchange, the entire interchange should be shown on one exhibit map, with the other route exhibit map ending and beginning again on either side of the interchange. This method eliminates the confusion of which ramps go with which Freeway Agreement. An appropriate cross reference note may be used.
- Mass-transit facilities may be shown for information purposes.
- For added flexibility where appropriate, it may be convenient to add this note to the exhibit map: "THE GRADE SEPARATIONS SHOWN MAY BE EITHER UNDERCROSSINGS OR OVERCROSSINGS AS DETERMINED BY ENGINEERING STUDIES TO BEST FIT THE LOCALITY."

Exhibit maps should follow the examples in Figures 2A and 2B as closely as possible.

Symbol Maps Only

- When a symbol is used for a freeway-to-freeway interchange and no local service is to be provided, a note should be placed on the map so stating.
- Whenever a partial interchange is planned, a note should be placed on the map stating which service is to be provided. See Figure 2A.

Both Geometric Maps and Symbol Maps

- Railroad grade separations and pedestrian separations, as well as non motorized facilities, should be distinctly marked as such. See Chapter 31 for reference to S&H Code Sections 887, 887.6, 887.8, 888 and 888.2 for discussion of accommodation of nonmotorized facilities.

- Closure symbols are indicated at all points where existing city streets and county roads (and State highways) will be terminated. Cul-de-sacs are usually provided at these locations but need not be shown on the exhibit map. The closure symbol gives authority to construct a cul-de-sac or perform such work as is necessary to properly terminate the street or alley, and is so noted on the exhibit map legend. See Figures 2A and 2B.
- Work on the frontage roads and other local roads is distinguished from the freeway proper. The distinction should be made by symbol tape or cross hatching on the map reproducible. Coloring, either by hand or computer plotter, must not be used. See Figures 2A and 2B .
- On Freeway Agreements where the local agency will pay for some of the construction or some of the right of way for mainline and/or interchange connection(s), a note should be placed on the map to indicate the portion to be paid for by the local agency. See Figures 2A and 2B.
- Frontage roads and construction of other local roads must be shown on the map with the symbol for frontage roads or local roads, except when construction and right of way is to be done and paid for by others. Frontage roads or local roads that are to be done and paid for by others should be shown on the map with the "RIGHT OF WAY AND CONSTRUCTION BY OTHERS" symbol. See Figures 2A and 2B.

FIGURE 2A - Freeway Agreement Exhibit Map (Symbol)

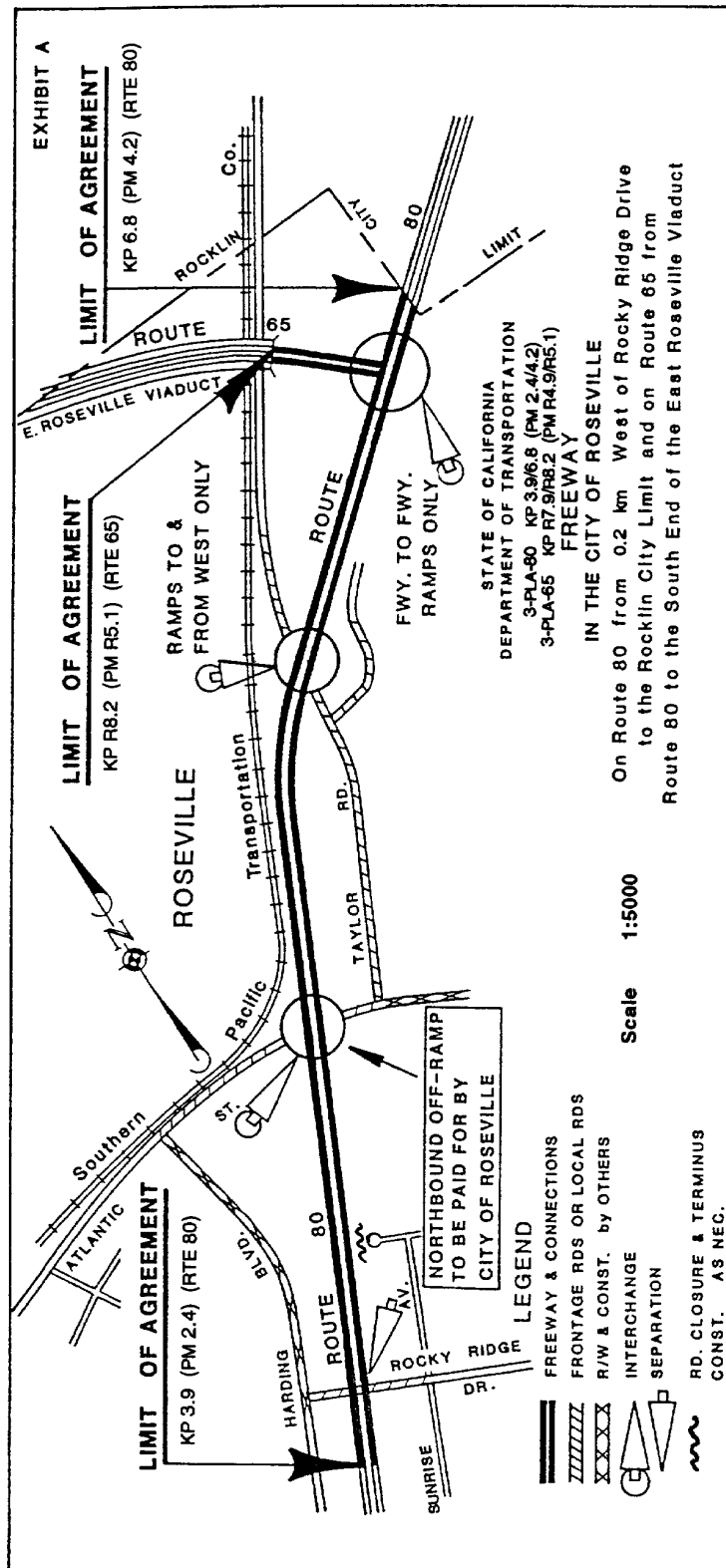
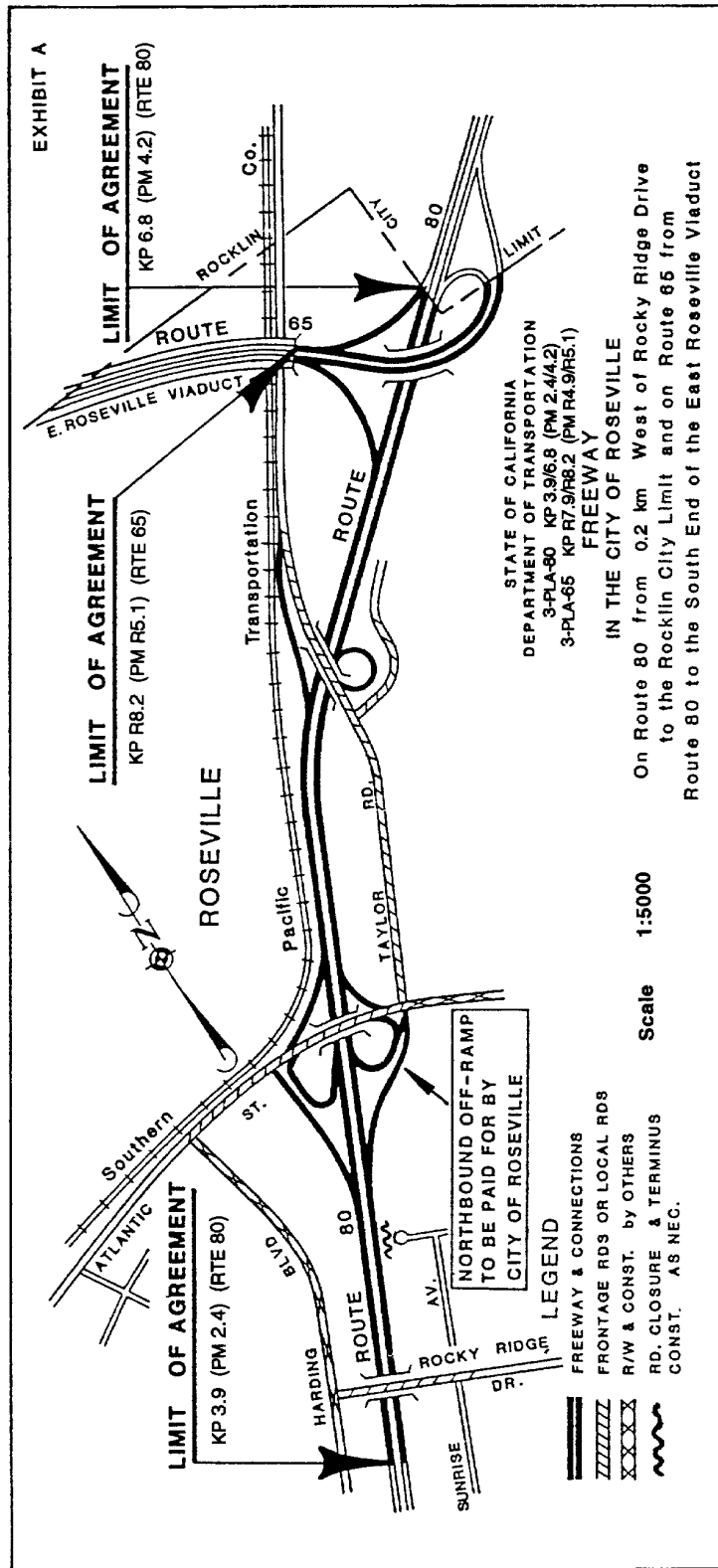


FIGURE 2B - Freeway Agreement Exhibit Map (Geometric)



- The mainline of the freeway and interchange connections for those portions of work within the agreement limits should be opaque. Roadways outside the agreement limits should show as open lines. See Figure 3.
- Work that is to be done or paid for by others should be indicated separately from work that is to be done and paid for by the State. See Figure 4.

FIGURE 3 - (example freeway agreement notes and symbols)

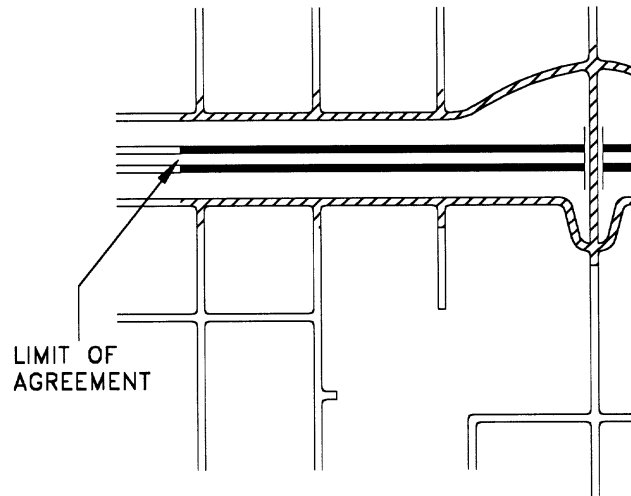
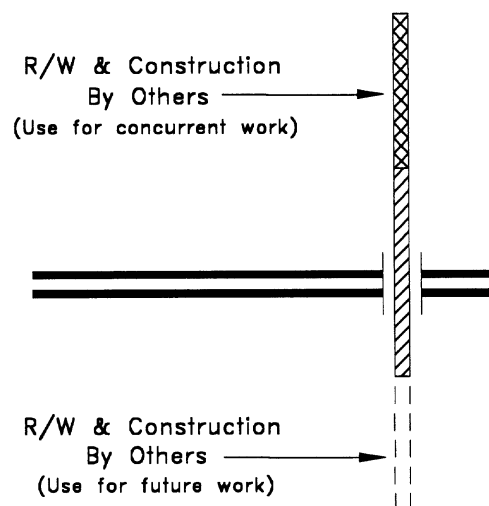


FIGURE 4 - (example freeway agreement notes and symbols)



- The Freeway Agreement does not commit the State to any construction timetable; it is preferable that maps be prepared on the basis of the ultimate improvement plan whenever possible. However, there will be occasions when, for mutual understanding, or at the insistence of the local agency, it

may be necessary to indicate some form of initial construction on the map. One example might be when only the separation portion of an interchange will be constructed with the freeway. In this case a note should be placed on the map stating "RAMPS TO BE CONSTRUCTED WHEN JUSTIFIED AND PROGRAMMED". On a symbol map, an interchange symbol and the note should be used. On a geometric map the ramps can be shown by dashed lines and the note used. See Figure 5. Another example might be where the initial construction will be expressway. In this case, the initial expressway condition at the intersections can be indicated by note or with graphic insets on the exhibit map.

- When State construction of an interchange or separation is contingent on concurrent, local road construction by the local agency, the limits of work by the local agency should be indicated on the map. See Figure 6.

FIGURE 5 - (example freeway agreement notes and symbols)

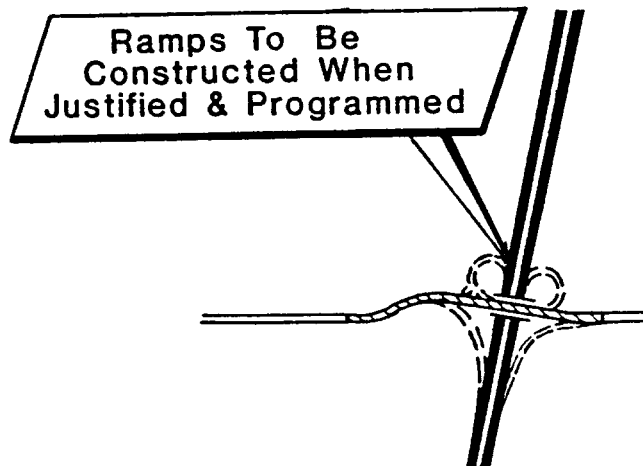
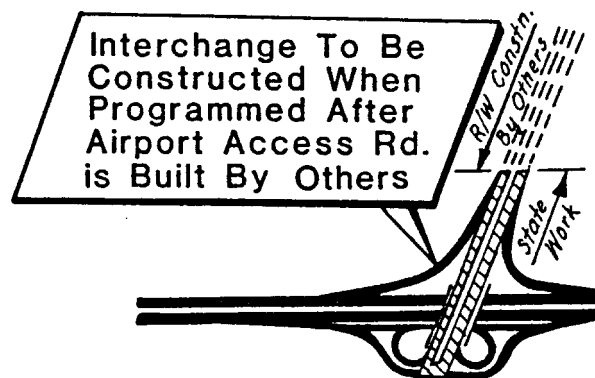


FIGURE 6 - (example freeway agreement notes and symbols)



ARTICLE 5 - Resolutions of Change

Purpose

A Freeway Agreement may be changed at any time by mutual consent. A Resolution of Change is an intermediate step that may be taken prior to superseding the executed Freeway Agreement.

Resolution Details

Resolutions are obtained from the local agency whereby they agree, or request, that revisions be incorporated into a superseding Freeway Agreement at some future date. The resolutions generally reference the current executed Freeway Agreement, state what changes are proposed, and may state why. An exhibit map is attached for clarification. The map may be a portion of the executed Freeway Agreement exhibit map, modified to show the changes. The resolution and the map should be 216 mm X 279 mm in size.

Major Changes by Superseding Agreement

Any change may be covered by a resolution, but the timing of the superseding Freeway Agreement is critical for resolutions covering major changes. Major changes must be followed up and covered by a superseding Freeway Agreement before beginning design, right of way acquisition, or construction. Major changes usually require the project development/environmental process.

Major Change Definition

A major change is generally defined as follows: Added local road closures, reconnecting a previously closed local road, new interchanges, new grade separations, significant lengths of new frontage roads, or making any major revisions thereto. These items are included because they are required by law to be covered by a Freeway Agreement or have a significant effect on the local agency and residents.

Minor Changes - Deferred Agreement

Changes such as minor variations of design on frontage roads, interchanges, and grade separations, etc., must also be covered by a superseding Freeway Agreement — but this may be deferred until after construction. The resolutions are reviewed in the district for geometrics and scope and cleared with the FHWA as appropriate. Minor changes are usually Categorically Exempt under CEQA and Categorically Excluded under NEPA.

Resolutions for Minor Changes

Resolutions for minor changes may be accumulated and included in one Freeway Agreement, but they must be transmitted individually to DLP, Attention: Resolution of Change, as soon as they are executed by the local agency. Two copies are required and the transmittal memorandum should detail the changes and provide whatever justification is necessary. DLP files the resolutions with the current executed Freeway Agreement